

Introduced by Senator OrtizFebruary 8, 2005

An act to amend Section 12803 of the Government Code, to amend Sections 475, 109277, 109282, 109910, 116275, 121030, and 121090 of, to amend and renumber the heading of Part 1 (commencing with Section 102100) of Division 102 of, to amend and renumber the heading of Part 1 (commencing with Section 104100) of Division 103 of, to amend and renumber the heading of Part 1 (commencing with Section 106500) of Division 104 of, to amend and renumber the heading of Part 1 (commencing with Section 120100) of Division 105 of, and to amend and renumber the heading of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of, to amend and renumber Section 100325 of, to add Sections 100325, 101001, and 113754 to, to add Chapter 1 (commencing with Section 123099) to Part 1 of Division 106 of, to add Part 1 (commencing with Section 102099) to Division 102 of, to add Part 1 (commencing with Section 104099) to Division 103 of, to add Part 1 (commencing with Section 106499) to Division 104 of, to add Part 1 (commencing with Section 120099) to Division 105 of, and to add Division 112 (commencing with Section 131000) to, to repeal Sections 100115, 100117, 100119, 100180, 100182, 100185, 100190, 100195, 100200, 100205, 100210, 100225, 100230, 100235, 100236, 100290, and 100295 of, to repeal Article 2 (commencing with Section 100250) of Chapter 2 of Part 1 of Division 101 of, to repeal Article 3 (commencing with Section 100400) of Chapter 3 of Part 1 of Division 101 of, to repeal Part 2 (commencing with Section 100925) of Division 101 of, and to repeal and add Sections 100170 and 100175 of, the Health and Safety Code, and to add Section 24000.5 to the Welfare and Institutions Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 162, as introduced, Ortiz. State Department of Public Health.

Existing law establishes the scope of functions and responsibilities of the State Department of Health Services.

This bill would enact the California Public Health Act of 2004, which would, on an unspecified date, establish the State Department of Public Health, to be headed by the State Health Officer to be appointed by the Governor, subject to confirmation by the Senate. The bill would transfer the responsibility for certain programs from the State Department of Health Services to the State Department of Public Health, and would make conforming changes.

This bill would also establish the Public Health Board, consisting of 13 members, for purposes of providing public and expert involvement in the development of policies, regulations, and programs administered by the department or directly affecting the health of Californians.

These provisions of the bill would not become operative until January 1, 2007, and only if an appropriation for purposes of the bill is made in the Budget Act of 2006.

The bill would also require, contingent upon the receipt of sufficient nonstate resources, the State Department of Health Services or the State Department of Public Health, if it is established pursuant to this bill, to convene a workgroup of experts to develop specific recommendations regarding the creation of the State Department of Public Health and how it fits into a long-term strategy to improve the future of public health leadership in California. The bill would require the workgroup to provide the recommendation and strategy to the Governor and Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) This act shall be known and may be cited as
- 2 the California Public Health Act of 2004.
- 3 (b) (1) It is the intent of the Legislature, in enacting the act
- 4 adding this section, to establish the State Department of Public
- 5 Health.
- 6 (2) It is the intent of the Legislature, in enacting the act adding
- 7 this section, that both of the following occur:

1 (A) All public health programs currently operated through the
2 existing State Department of Health Services be transferred to the
3 State Department of Public Health, without regard to whether or
4 not that public health program has been formally created by
5 statute.

6 (B) The Governor makes final decisions about the placement
7 of specific programs and offices that are not formally created by
8 statute or named in this act in a way that is consistent with the
9 intent of the Legislature in establishing the State Department of
10 Public Health and with the overall spirit of this act.

11 (c) For purposes of this section, “public health programs”
12 refers primarily to programs and functions that seek to prevent
13 illness and promote health, as compared to programs involving
14 either the direct delivery of health care services or the payment
15 for those services.

16 (d) By enacting this act that establishes the State Department
17 of Public Health, it is the intent of the Legislature to do both of
18 the following:

19 (1) To create stronger, more focused leadership in public
20 health for California and make the state’s role in public health a
21 significantly higher priority.

22 (2) To create a department that has sufficient focus on public
23 health in order to create a more effective public health
24 infrastructure in California, thereby resulting in decreased illness,
25 injury, and death rates, and in greater protection for the state’s
26 population in the event of an act of bioterrorism or other major
27 public health emergency.

28 SEC. 2. Section 12803 of the Government Code is amended
29 to read:

30 12803. (a) The California Health and Human Services
31 Agency consists of the following departments: Health Services;
32 Mental Health; Developmental Services; *Public Health*; Social
33 Services; Alcohol and Drug Abuse; Aging; Rehabilitation; and
34 Community Services and Development.

35 (b) The agency also includes the Office of Statewide Health
36 Planning and Development and the State Council on
37 Developmental Disabilities.

38 (c) The Department of Child Support Services is hereby
39 created within the agency commencing January 1, 2000, and
40 shall be the single organizational unit designated as the state’s

1 Title IV-D agency with the responsibility for administering the
2 state plan and providing services relating to the establishment of
3 paternity or the establishment, modification, or enforcement of
4 child support obligations as required by Section 654 of Title 42
5 of the United States Code. State plan functions shall be
6 performed by other agencies as required by law, by delegation of
7 the department, or by cooperative agreements.

8 SEC. 3. Section 475 of the Health and Safety Code is
9 amended to read:

10 475. (a) (1) The State Department of *Public Health Services*
11 shall establish a permanent Office of Binational Border Health to
12 facilitate cooperation between health officials and health
13 professionals in California and Mexico, to reduce the risk of
14 disease in the California border region, and in those areas directly
15 affected by border health conditions.

16 (2) The department shall administer the office, and shall seek
17 available public or private funding, or both, to support the
18 activities of the office.

19 (b) The Office of Binational Border Health shall convene a
20 voluntary community advisory group of representatives of border
21 community-based stakeholders to develop a strategic plan with
22 short-term, intermediate, and long-range goals and
23 implementation actions. The advisory group shall include no
24 more than 12 California representatives. The advisory group shall
25 include, but not be limited to, members from local government,
26 hospitals, health plans, community-based organizations,
27 universities, Los Angeles, San Diego, and Imperial County health
28 departments, and a representative from an association of local
29 health officers specializing in border health issues. The office
30 shall invite and request appropriate participation from
31 representatives of the Baja California health department and
32 other Mexican health departments affected by border health
33 issues. Recommendations resulting from the strategic plan shall
34 be developed and shared in consultation with the California
35 appointees to the United States-Mexico Border Health
36 Commission established pursuant to Section 290n of Title 22 of
37 the United States Code, including the Director of *Public Health*
38 *Services*. The office shall prepare an annual border health status
39 report, and shall submit it to the Director of *Public Health*
40 *Services*, the Legislature, and the Governor.

1 SEC. 4. Section 100115 of the Health and Safety Code is
2 repealed.~~100115.~~ There is in the department a Division of
3 Rural Health. The division shall administer Chapter 3
4 (commencing with Section 124550) and Chapter 4 (commencing
5 with Section 124575) of Part 4 of Division 106, Section 101300,
6 and Article 1 (commencing with Section 124600) of Chapter 5 of
7 Part 4 of Division 106.

8 SEC. 5. Section 100117 of the Health and Safety Code is
9 repealed.~~100117.~~ The Legislature finds and declares all of the
10 following:

11 (a) ~~The AIDS pandemic continues to devastate California.~~
12 ~~Over 44,000 Californians have died of AIDS since 1981, and it is~~
13 ~~estimated that one out of every 200 Californians is infected with~~
14 ~~HIV, the virus believed to cause AIDS. Education remains the~~
15 ~~best tool to prevent the ongoing spread of HIV.~~

16 (b) ~~The seroprevalence rate of HIV-infected persons is~~
17 ~~increasing dramatically in some groups. The incidence rate~~
18 ~~among women, people of color, at-risk youth, substance abusers,~~
19 ~~rural residents and their sexual partners is increasing, as is the~~
20 ~~rate of infection among gay and bisexual men, especially in~~
21 ~~urban areas. It is clear that targeted financial resources must be~~
22 ~~directed to conduct effective HIV education and risk reduction.~~

23 (c) ~~Many AIDS service providers, community-based~~
24 ~~organizations, and other advocacy groups lack the technical~~
25 ~~assistance necessary for them to access public and private grant~~
26 ~~moneys to serve their clients.~~

27 (d) ~~In addition to prevention education efforts, there are~~
28 ~~additional unmet financial needs in the war against HIV infection~~
29 ~~and AIDS. These unmet needs include, but are not limited to,~~
30 ~~care and treatment of those with HIV, expanded medical and~~
31 ~~social-behavioral research, funding for HIV antibody testing at~~
32 ~~both anonymous and confidential test sites throughout California,~~
33 ~~housing and financial assistance for those with HIV and their~~
34 ~~families, and mental health programs for people with HIV and~~
35 ~~those at risk for contracting AIDS.~~

36 (e) ~~Numerous state agencies and departments conduct~~
37 ~~HIV-related programs, including the State Department of Health~~
38 ~~Services, the State Department of Social Services, the~~
39 ~~Department of Corrections, the State Department of Alcohol and~~
40 ~~Drug Programs, the State Department of Education, the State~~

~~Department of Mental Health, the Department of the Youth Authority, and the University of California. Coordination of the various state funded programs will enhance the service delivery of HIV-related programs to Californians in need.~~

~~(f) An evaluation of state prevention and education efforts was conducted by the Institute for Health Policy Studies at the University of California, San Francisco and published in March of 1993. This report, entitled "HIV Prevention in California," noted both positive achievements of state-run programs as well as opportunities for improvement. Among the primary recommendations of the study was the need to legislatively identify the Office of AIDS in the State Department of Health Services as the lead agency on HIV and AIDS to ensure the goal of state program coordination.~~

~~SEC. 6. Section 100119 of the Health and Safety Code is repealed.100119. There is in the State Department of Health Services an Office of AIDS. The State Department of Health Services, Office of AIDS, shall be the lead agency within the state, responsible for coordinating state programs, services, and activities relating to the human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), and AIDS related conditions (ARC). Among its responsibilities, the State Department of Health Services, Office of AIDS, shall coordinate Sections 120875, Section 120880, Chapter 2 (commencing with Section 120800), Chapter 4 (commencing with Section 120900), Chapter 6 (commencing with Section 120950), Chapter 8 (commencing with Section 121025), Chapter 9 (commencing with Section 121050), Chapter 10 (commencing with Section 121075), Chapter 11 (commencing with Section 121150), Chapter 12 (commencing with Section 121200), Chapter 13 (commencing with Section 121250), and Chapter 14 (commencing with Section 121300), of Part 4 of Division 105. Any reference in those provisions to the State Department of Health Services shall be deemed a reference to the Office of AIDS.~~

~~SEC. 7. Section 100170 of the Health and Safety Code is repealed.100170. The department may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:~~

~~(a) To enforce its regulations.~~

1 ~~(b) To enjoin and abate nuisances dangerous to health.~~

2 ~~(c) To compel the performance of any act specifically enjoined~~
3 ~~upon any person, officer, or board, by any law of this state~~
4 ~~relating to the public health.~~

5 ~~(d) To protect and preserve the public health.~~

6 ~~It may defend all actions and proceedings involving its powers~~
7 ~~and duties. In all actions and proceedings it shall sue and be sued~~
8 ~~under the name of the department.~~

9 SEC. 8. Section 100170 is added to the Health and Safety
10 Code, to read:

11 100170. The department may commence and maintain all
12 proper and necessary actions and proceedings to enforce its
13 regulations. It may defend all actions and proceedings involving
14 its powers and duties. In all actions and proceedings it shall sue
15 and be sued under the name of the department.

16 SEC. 9. Section 100175 of the Health and Safety Code is
17 repealed.~~100175. The department may abate public nuisances.~~

18 SEC. 10. Section 100175 is added to the Health and Safety
19 Code, to read:

20 100175. All grants or donations of money received by the
21 state from sources other than the United States, the expenditure
22 of which is administered through or under the direction of the
23 department, shall, on order of the Controller, be deposited in the
24 Special Deposit Fund, subject to Article 2 (commencing with
25 Section 16370) of Chapter 2 of Part 2 of Division 4 of Title 2 of
26 the Government Code. The Controller shall designate, by name,
27 separate accounts within the Special Deposit Fund covering the
28 accountability for each class of grant or donation deposited
29 pursuant to this section; and the department and the Controller
30 shall keep a record of the classes and sources of income
31 deposited in, or transferred to, each of the accounts in the Special
32 Deposit Fund, and of the disbursements therefrom.

33 All moneys deposited in the Special Deposit Fund pursuant to
34 this section shall be available, without regard to fiscal years, for
35 expenditure for the purposes for which the money was made
36 available to the state.

37 SEC. 11. Section 100180 of the Health and Safety Code is
38 repealed.~~100180. The department may advise all local health~~
39 ~~authorities, and, when in its judgment the public health is~~
40 ~~menaced, it shall control and regulate their action.~~

1 SEC. 12. Section 100182 of the Health and Safety Code is
2 repealed.~~100182. Every person charged with the performance~~
3 ~~of any duty under the laws of this state relating to the~~
4 ~~preservation of the public health, who willfully neglects or~~
5 ~~refuses to perform the same, is guilty of a misdemeanor.~~

6 SEC. 13. Section 100185 of the Health and Safety Code is
7 repealed.~~100185. (a) The department may perform any of the~~
8 ~~following activities relating to the protection, preservation, and~~
9 ~~advancement of public health:~~

10 ~~(1) Studies.~~

11 ~~(2) Demonstrations of innovative methods.~~

12 ~~(3) Evaluations of existing projects.~~

13 ~~(4) Provision of training programs.~~

14 ~~(5) Dissemination of information.~~

15 ~~(b) In performing an activity specified in subdivision (a), the~~
16 ~~department may do any of the following:~~

17 ~~(1) Perform the activity directly.~~

18 ~~(2) Enter into contracts, cooperative agreements, or other~~
19 ~~agreements for the performance of the activity.~~

20 ~~(3) Apply for and receive grants for the performance of the~~
21 ~~activity.~~

22 ~~(4) Award grants for the performance of the activity.~~

23 SEC. 14. Section 100190 of the Health and Safety Code is
24 repealed.~~100190. The department may provide for consultant~~
25 ~~and advisory services and for the training of technical and~~
26 ~~professional personnel in educational institutions and field~~
27 ~~training centers approved by the department, and for the~~
28 ~~establishment and maintenance of field training centers in local~~
29 ~~health departments and in the department.~~

30 SEC. 15. Section 100195 of the Health and Safety Code is
31 repealed.~~100195. The department shall cause special~~
32 ~~investigation of the preparation and sale of drugs and food and~~
33 ~~their adulteration.~~

34 SEC. 16. Section 100200 of the Health and Safety Code is
35 repealed.~~100200. The department shall perform duties as~~
36 ~~required by law for the detection and prevention of the~~
37 ~~adulteration of articles used for food and drink, and for the~~
38 ~~punishment of persons guilty of violation of any law providing~~
39 ~~against their adulteration.~~

1 SEC. 17. Section 100205 of the Health and Safety Code is
2 repealed.~~100205.— The department shall examine and may~~
3 ~~prevent the pollution of sources of public domestic water and ice~~
4 ~~supply.~~

5 SEC. 18. Section 100210 of the Health and Safety Code is
6 repealed.~~100210.— The department shall maintain a program of~~
7 ~~Drinking Water and Environmental Management.~~

8 SEC. 19. Section 100225 of the Health and Safety Code is
9 repealed.~~100225.— The department shall enforce Section 383b of~~
10 ~~the Penal Code.~~

11 SEC. 20. Section 100230 of the Health and Safety Code is
12 repealed.~~100230.— (a) Any person who willfully sells, keeps for~~
13 ~~sale, or offers for sale any food, drug, device, or cosmetic~~
14 ~~knowing, after a written notice from either (1) a manufacturer,~~
15 ~~wholesaler, distributor, or importer, or (2) the department or a~~
16 ~~local health officer that the product linked to an outbreak of~~
17 ~~illness, injury, or product tampering is being ordered removed~~
18 ~~from sale by the department pursuant to Section 100180, shall,~~
19 ~~upon conviction, be punished by a fine of not less than two~~
20 ~~thousand dollars (\$2,000) nor more than ten thousand dollars~~
21 ~~(\$10,000) for each day of violation, or by imprisonment in the~~
22 ~~county jail for not more than one year, or by both a fine and~~
23 ~~imprisonment.~~

24 ~~(b) If a second or subsequent violation is committed after a~~
25 ~~previous conviction under this section has become final, the~~
26 ~~person shall be punished by a fine of not less than five thousand~~
27 ~~dollars (\$5,000) nor more than twenty-five thousand dollars~~
28 ~~(\$25,000) for each day of violation, or by imprisonment in the~~
29 ~~state prison, or by both a fine and imprisonment.~~

30 ~~(c) Notwithstanding any other provision of law, the court may~~
31 ~~suspend the minimum fines provided for in this section if it~~
32 ~~determines that there are circumstances in mitigation and the~~
33 ~~court states on the record its reasons for suspending the minimum~~
34 ~~fine.~~

35 SEC. 21. Section 100235 of the Health and Safety Code is
36 repealed.~~100235.— Whenever any person violates any provision~~
37 ~~of Section 100230, the court may, as a condition of probation,~~
38 ~~order the defendant to pay, in lieu of any fine, any expenses, both~~
39 ~~direct and indirect, incurred by a local health department or the~~
40 ~~department in monitoring compliance with the order pursuant to~~

~~Section 100180, including, but not limited to, the costs of conducting inspections and imposing embargoes. The total costs payable to the department and local health departments collectively imposed pursuant to this section shall not exceed the maximum fine for the offense of which the defendant is convicted.~~

~~Any amount collected under this section shall be paid to the local health department incurring the expenses or, if to reimburse costs of the department, into the General Fund.~~

SEC. 22. ~~Section 100236 of the Health and Safety Code is repealed. 100236. (a) Within 60 days of enactment of the Budget Act, the department shall advance to a local health department 25 percent of the annual General Fund allocation, subvention, or reimbursement required by a local health department for the delivery of services specified in subdivision (b). In determining the dollar amount of the 25 percent allocation, subvention, or reimbursement, the department shall use the local health department's prior year's or the most recently completed fiscal year's allocation.~~

~~(b) Subdivision (a) shall apply to the following health programs and General Fund funding sources:~~

~~(1) Funding for administration for the California Children's Services Program (Article 5 (commencing with Section 123800) of Chapter 3 of Part 2 of Division 106).~~

~~(2) Funding for medical therapy for the California Children's Services Program (Article 5 (commencing with Section 123800) of Chapter 3 of Part 2 of Division 106).~~

~~(3) Funding for administration for the Child Health and Disability Prevention Program (Article 6 (commencing with Section 124025) of Chapter 3 of Part 2 of Division 106).~~

~~(4) Funding for HIV education and prevention services under Section 100119.~~

~~(c) This section shall not apply to a local health department that is three or more quarters in arrears in billing the state for the programs specified in subdivision (b).~~

~~(d) For purposes of this section, "local health department" has the same meaning as that set forth in Section 101185.~~

SEC. 23. ~~Article 2 (commencing with Section 100250) of Chapter 2 of Part 1 of Division 101 of the Health and Safety Code is repealed.~~

1 SEC. 24. Section 100290 of the Health and Safety Code is
2 repealed.~~100290. Notwithstanding any other provision of law,~~
3 ~~the department shall submit all of its regulations on matters~~
4 ~~related to statutory responsibilities delegated to or enforced by~~
5 ~~local health departments, except emergency regulations, to the~~
6 ~~California Conference of Local Health Officers for review and~~
7 ~~comment prior to adoption. If the department deems it~~
8 ~~appropriate to implement the proposed regulations or parts~~
9 ~~thereof, contrary to the recommendations of the conference, the~~
10 ~~department shall make a public finding summarizing the reasons~~
11 ~~for acting contrary to these recommendations.~~

12 SEC. 25. Section 100295 of the Health and Safety Code is
13 repealed.~~100295. The department, after consultation with and~~
14 ~~approval by the Conference of Local Health Officers, shall by~~
15 ~~regulation establish standards of education and experience for~~
16 ~~professional and technical personnel employed in local health~~
17 ~~departments and for the organization and operation of the local~~
18 ~~health departments. These standards may include standards for~~
19 ~~the maintenance of records of services, finances and~~
20 ~~expenditures, that shall be reported to the director in a manner~~
21 ~~and at times as the director may specify.~~

22 SEC. 26. Section 100325 of the Health and Safety Code is
23 amended and renumbered to read:

24 ~~100325.—~~

25 *100326.* The department shall cause special investigations of
26 the sources of morbidity and mortality and the effects of
27 localities, employments, conditions and circumstances on the
28 public health and the department shall perform other duties as
29 may be required in procuring information for state and federal
30 agencies regarding the effects of these conditions on the public
31 health.

32 SEC. 27. Section 100325 is added to the Health and Safety
33 Code, to read:

34 100325. For purposes of this article, “department” means the
35 State Department of Public Health.

36 SEC. 28. Article 3 (commencing with Section 100400) of
37 Chapter 3 of Part 1 of Division 101 of the Health and Safety
38 Code is repealed.

39 SEC. 29. Part 2 (commencing with Section 100925) of
40 Division 101 of the Health and Safety Code is repealed.

1 SEC. 30. Section 101001 is added to the Health and Safety
2 Code, to read:

3 101001. For purposes of this part, “department” or “State
4 Department of Health Services” means the State Department of
5 Public Health.

6 SEC. 31. Part 1 (commencing with Section 102099) is added
7 to Division 102 of the Health and Safety Code, to read:

8
9 PART 1. GENERAL PROVISIONS
10

11 102099. For purposes of this division, “department” or “State
12 Department of Health Services” means the State Department of
13 Public Health.

14 SEC. 32. The heading of Part 1 (commencing with Section
15 102100) of Division 102 of the Health and Safety Code is
16 amended and renumbered to read:

17
18 PART ~~1~~. 1.5. VITAL RECORDS
19

20 SEC. 33. Part 1 (commencing with Section 104099) is added
21 to Division 103 of the Health and Safety Code, to read:

22
23 PART 1. GENERAL PROVISIONS
24

25 104099. For purposes of this division, “department” or “State
26 Department of Health Services” means the State Department of
27 Public Health.

28 SEC. 34. The heading of Part 1 (commencing with Section
29 104100) of Division 103 of the Health and Safety Code is
30 amended and renumbered to read:

31
32 PART ~~1~~. 1.5. CHRONIC DISEASE
33

34 SEC. 35. Part 1 (commencing with Section 106499) is added
35 to Division 104 of the Health and Safety Code, to read:

PART 1. GENERAL PROVISIONS

106499. For purposes of this division, “department” or “State Department of Health Services” means the State Department of Public Health.

SEC. 36. The heading of Part 1 (commencing with Section 106500) of Division 104 of the Health and Safety Code is amended and renumbered to read:

~~PART 1.~~ 1.5. ENVIRONMENTAL HEALTH PERSONNEL

SEC. 37. Section 109277 of the Health and Safety Code is amended to read:

109277. (a) Every person or entity who owns or operates a health facility or a clinic, or who is licensed as a physician and surgeon and rents or owns the premises where his or her practice is located, shall cause a sign or notice to be posted where a physician and surgeon performs breast cancer screening or biopsy as an outpatient service, or in a reasonably proximate area to where breast cancer screening or biopsy is performed. A sign or notice posted at the patient registration area of the health facility, clinic, or physician and surgeon’s office shall constitute compliance with this section.

(b) The sign or notice shall read as follows:

“BE INFORMED”

“If you are a patient being treated for any form of breast cancer, or prior to performance of a biopsy for breast cancer, your physician and surgeon is required to provide you a written summary of alternative efficacious methods of treatment, pursuant to Section 109275 of the California Health and Safety Code.”

“The information about methods of treatment was developed by the State Department of *Public* Health ~~Services~~ to inform patients of the advantages, disadvantages, risks, and descriptions of procedures.”

(c) The sign shall be not less than eight and one-half inches by 11 inches and shall be conspicuously displayed so as to be readable. The words “BE INFORMED” shall not be less than one-half inch in height and shall be centered on a single line with no other text. The message on the sign shall appear in English, Spanish, and Chinese.

SEC. 38. Section 109282 of the Health and Safety Code is amended to read:

109282. (a) Every person or entity who owns or operates a health facility or a clinic, or who is licensed as a physician and surgeon and rents or owns the premises where his or her practice is located, shall cause a sign or notice to be posted where prostate cancer screening or treatment is performed by any physician and surgeon, or in a reasonably proximate area to where prostate cancer screening or treatment is performed. A sign or notice posted at the patient registration area of the health facility, clinic, or physician and surgeon’s office shall constitute compliance with this section.

(b) The sign or notice shall read as follows:

“BE INFORMED”

“If you are a patient being treated for any form of prostate cancer, or prior to performance of a biopsy for prostate cancer, your physician and surgeon is urged to provide you a written summary of alternative efficacious methods of treatment, pursuant to Section 109280 of the California Health and Safety Code.”

“The information about methods of treatment was developed by the State Department of *Public Health Services* to inform patients of the advantages, disadvantages, risks, and descriptions of procedures.”

(c) The sign shall be not less than eight and one-half inches by 11 inches and shall be conspicuously displayed so as to be readable. The words “BE INFORMED” shall not be less than one-half inch in height and shall be centered on a single line with no other text. The message on the sign shall appear in English, Spanish, and Chinese.

(d) Subject to future, regular production and replacement schedules from the implementation of the act adding this subdivision, these signs and notices shall include the Internet Web site address of the State Department of *Public Health Services* and the Medical Board of California, and a notice regarding the availability of updated prostate cancer summaries on these Web sites.

SEC. 39. Section 109910 of the Health and Safety Code is amended to read:

109910. “Department” means the State Department of *Public Health Services*.

SEC. 40. Section 113754 is added to the Health and Safety Code, to read:

113754. For purposes of this part, “department” or “State Department of Health Services” means the State Department of Public Health.

SEC. 41. Section 116275 of the Health and Safety Code is amended to read:

116275. As used in this chapter:

(a) “Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

(b) “Department” means the State Department of *Public Health Services*.

(c) “Primary drinking water standards” means:

(1) Maximum levels of contaminants that, in the judgment of the department, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the department in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the department that pertain to maximum contaminant levels.

(d) “Secondary drinking water standards” means standards that specify maximum contaminant levels that, in the judgment of the department, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the odor or appearance of the water and may cause a substantial number of persons served by the public water system to discontinue its

1 use, or that may otherwise adversely affect the public welfare.
2 Regulations establishing secondary drinking water standards may
3 vary according to geographic and other circumstances and may
4 apply to any contaminant in drinking water that adversely affects
5 the taste, odor, or appearance of the water when the standards are
6 necessary to assure a supply of pure, wholesome, and potable
7 water.

8 (e) “Human consumption” means the use of water for
9 drinking, bathing or showering, hand washing, or oral hygiene.

10 (f) “Maximum contaminant level” means the maximum
11 permissible level of a contaminant in water.

12 (g) “Person” means an individual, corporation, company,
13 association, partnership, limited liability company, municipality,
14 public utility, or other public body or institution.

15 (h) “Public water system” means a system for the provision of
16 water for human consumption through pipes or other constructed
17 conveyances that has 15 or more service connections or regularly
18 serves at least 25 individuals daily at least 60 days out of the
19 year. A public water system includes the following:

20 (1) Any collection, treatment, storage, and distribution
21 facilities under control of the operator of the system which are
22 used primarily in connection with the system.

23 (2) Any collection or pretreatment storage facilities not under
24 the control of the operator that are used primarily in connection
25 with the system.

26 (3) Any water system that treats water on behalf of one or
27 more public water systems for the purpose of rendering it safe for
28 human consumption.

29 (i) “Community water system” means a public water system
30 that serves at least 15 service connections used by yearlong
31 residents or regularly serves at least 25 yearlong residents of the
32 area served by the system.

33 (j) “Noncommunity water system” means a public water
34 system that is not a community water system.

35 (k) “Nontransient noncommunity water system” means a
36 public water system that is not a community water system and
37 that regularly serves at least 25 of the same persons over 6
38 months per year.

39 (l) “Local health officer” means a local health officer
40 appointed pursuant to Section 101000 or a local comprehensive

1 health agency designated by the board of supervisors pursuant to
2 Section 101275 to carry out the drinking water program.

3 (m) “Significant rise in the bacterial count of water” means a
4 rise in the bacterial count of water that the department
5 determines, by regulation, represents an immediate danger to the
6 health of water users.

7 (n) “State small water system” means a system for the
8 provision of piped water to the public for human consumption
9 that serves at least five, but not more than 14, service connections
10 and does not regularly serve drinking water to more than an
11 average of 25 individuals daily for more than 60 days out of the
12 year.

13 (o) “Transient noncommunity water system” means a
14 noncommunity water system that does not regularly serve at least
15 25 of the same persons over six months per year.

16 (p) “User” means any person using water for domestic
17 purposes. User does not include any person processing, selling,
18 or serving water or operating a public water system.

19 (q) “Waterworks standards” means regulations adopted by the
20 department that take cognizance of the latest available
21 “Standards of Minimum Requirements for Safe Practice in the
22 Production and Delivery of Water for Domestic Use” adopted by
23 the California section of the American Water Works Association.

24 (r) “Local primacy agency” means any local health officer that
25 has applied for and received primacy delegation from the
26 department pursuant to Section 116330.

27 (s) “Service connection” means the point of connection
28 between the customer’s piping or constructed conveyance, and
29 the water system’s meter, service pipe, or constructed
30 conveyance. A connection to a system that delivers water by a
31 constructed conveyance other than a pipe shall not be considered
32 a connection in determining if the system is a public water
33 system if any of the following apply:

34 (1) The water is used exclusively for purposes other than
35 residential uses, consisting of drinking, bathing, and cooking or
36 other similar uses.

37 (2) The department determines that alternative water to
38 achieve the equivalent level of public health protection provided
39 by the applicable primary drinking water regulation is provided
40 for residential or similar uses for drinking and cooking.

(3) The department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.

(t) “Resident” means a person who physically occupies, whether by ownership, rental, lease or other means, the same dwelling for at least 60 days of the year.

(u) “Water treatment operator” means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.

(v) “Water treatment operator-in-training” means a person who has applied for and passed the written examination given by the department but does not yet meet the experience requirements for a specific water treatment operator grade pursuant to Section 106875.

(w) “Water distribution operator” means a person who has met the requirements for a specific water distribution operator grade pursuant to Section 106875.

(x) “Water treatment plant” means a group or assemblage of structures, equipment, and processes that treat, blend, or condition the water supply of a public water system for the purpose of meeting primary drinking water standards.

(y) “Water distribution system” means any combination of pipes, tanks, pumps, and other physical features that deliver water from the source or water treatment plant to the consumer.

(z) “Public health goal” means a goal established by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365.

SEC. 42. Part 1 (commencing with Section 120099) is added to Division 105 of the Health and Safety Code, to read:

PART 1. GENERAL PROVISIONS

120099. For purposes of this division, “department” or “State Department of Health Services” means the State Department of Public Health.

SEC. 43. The heading of Part 1 (commencing with Section 120100) of Division 105 of the Health and Safety Code is amended and renumbered to read:

PART 1.5. ADMINISTRATION OF COMMUNICABLE
DISEASE PREVENTION AND CONTROL

SEC. 44. Section 121030 of the Health and Safety Code is amended to read:

121030. (a) To the extent Chapter 7 (commencing with Section 120975) and Chapter 10 (commencing with Section 121075) apply to records or information that would be covered by this chapter, Chapters 7 and 10 shall supersede this chapter.

(b) This chapter supersedes Section 100330 to the extent it applies to records or information covered by Section ~~100325~~ 100326 or 100330.

SEC. 45. Section 121090 of the Health and Safety Code is amended to read:

121090. Notwithstanding Section 121080, whether or not the research subject, with respect to whom any confidential research record is maintained, gives prior written consent, the content of the confidential research record may be disclosed in any of the following situations:

(a) To medical personnel to the extent it is necessary to meet a bona fide medical emergency of a research subject.

(b) To the department to the extent necessary for the conduct of a special investigation pursuant to Section ~~100325~~ 100326, in which case the confidentiality provisions of Chapter 8 (commencing with Section 121025) shall apply.

SEC. 46. Chapter 1 (commencing with Section 123099) is added to Part 1 of Division 106 of the Health and Safety Code, to read:

CHAPTER 1. ADMINISTRATION

123099. For purposes of this division, “department” or “State Department of Health Services” means the State Department of Public Health.

1 SEC. 47. The heading of Chapter 1 (commencing with
2 Section 123100) of Part 1 of Division 106 of the Health and
3 Safety Code is amended and renumbered to read:

4
5 CHAPTER ~~4~~. 1.5. PATIENT ACCESS TO HEALTH RECORDS
6

7 SEC. 48. Division 112 (commencing with Section 131000) is
8 added to the Health and Safety Code, to read:

9
10 DIVISION 112. PUBLIC HEALTH
11

12 PART 1. GENERAL PROVISIONS
13

14 CHAPTER 1. DEFINITIONS
15

16 131000. As used in this division:

17 (a) "Department" means the State Department of Public
18 Health.

19 (b) "Director" means the State Health Officer.
20

21 CHAPTER

22 2. GENERAL POWERS OF THE STATE DEPARTMENT OF PUBLIC HEALTH
23

24 Article 1. General Provisions
25

26 131100. There is in the California Health and Human Services
27 Agency the State Department of Public Health.

28 131105. (a) The department is under the control of an
29 executive officer known as the State Health Officer, who shall be
30 appointed by the Governor, subject to confirmation by the
31 Senate, and hold office at the pleasure of the Governor. The State
32 Health Officer shall be known as the director.

33 (b) Upon recommendation of the director, the Governor may
34 appoint a chief deputy of the department who shall hold office at
35 the pleasure of the Governor. The salary of the chief deputy shall
36 be fixed in accordance with law.

37 (c) The director shall be a physician and surgeon licensed in
38 California pursuant to the provisions of Chapter 5 (commencing
39 with Section 2000) of Division 2 of the Business and Professions

1 Code, and who has substantial scientific, medical, public health,
2 leadership, and management experience.

3 131110. (a) The State Department of Public Health succeeds
4 to, and is vested with the duties, purposes, responsibilities, and
5 jurisdiction exercised by, the State Department of Health
6 Services, as set forth in Sections 11159 to 11162, inclusive, of
7 the Government Code, with respect to all the following
8 provisions of law:

9 (1) Part 3 (commencing with Section 475) of Division 1.

10 (2) Chapter 3 (commencing with Section 100350) of Part 1 of
11 Division 101.

12 (3) Chapter 4 (commencing with Section 100600) of Part 1 of
13 Division 101.

14 (4) Part 3 (commencing with Section 101000) of Division 101.

15 (5) Division 102 (commencing with Section 102099).

16 (6) Division 103 (commencing with Section 104099).

17 (7) Division 104 (commencing with Section 106499).

18 (8) Division 105 (commencing with Section 120099).

19 (9) Division 106 (commencing with Section 123099).

20 (b) It is the intent of the Legislature that the jurisdiction of the
21 State Department of Public Health also include other programs
22 that are related to public health.

23 131115. The department shall have possession and control of
24 all records, papers, officers, equipment, supplies, moneys, funds,
25 appropriations, land or other property, real or personal, held for
26 the benefit or use of any state agency with respect to, and to the
27 extent that its functions vested in the department by Section
28 131110.

29 131120. The department shall have the same rulemaking
30 authority vested in the State Department of Health Services with
31 respect to those programs transferred from that department.

32 Article 2. Regulatory Authorization and Review

33
34 131200. (a) The department may adopt and enforce
35 regulations for the execution of its duties.

36 (b) All regulations heretofore adopted by the department or its
37 predecessors relating to public health or any other function
38 performed by the State Department of Health Services, and in
39 effect immediately preceding the date the act adding this division
40

1 was enacted, shall remain in effect and shall be fully enforceable
2 unless and until readopted, amended, or repealed by the State
3 Health Officer or as otherwise provided by Section 25 or other
4 provisions of law.

5 131205. (a) When a dispute arises as to the interpretation or
6 enforcement of regulations of the department that are being
7 enforced by a city, city and county, county, or district, a request
8 for clarification or interpretation may be submitted to the
9 department. The department shall make a determination of the
10 proper interpretation and required enforcement when so
11 requested by a party to the dispute.

12 (b) In making its determination the department may conduct a
13 hearing where all interested parties may present relative
14 comments or arguments.

15 (c) Determinations of the department made pursuant to this
16 section shall be transmitted to the concerned local agency and the
17 involved party or parties within 60 days after the receipt of the
18 request. The determination of the department shall be binding
19 upon the local agency and the parties subject to the regulations of
20 the department, except when the matter may be subject to judicial
21 review.

22 131210. (a) Notwithstanding any other provision of law, the
23 department by regulation may provide for the issuance and
24 renewal on a two-year basis of licenses, certificates of
25 registration, or other indicia of authority issued pursuant to this
26 code by the department.

27 (b) The department may by regulation set the fee for the
28 two-year license, certificate of registration, or other indicia, not
29 to exceed twice the annual fee for issuance or renewal set by
30 statute.

31 Article 3. State Laboratories

32
33
34 131250. The department shall maintain a laboratory and
35 branch laboratories as may be necessary to perform the
36 microbiological, physical, and chemical analyses required to
37 meet the responsibilities of the department.

38 131255. The department may prepare or purchase biological
39 products and distribute them at cost.

CHAPTER 3. DIVISION OF RURAL HEALTH

131300. There is in the department a Division of Rural Health. The division shall administer Chapter 3 (commencing with Section 124550) and Chapter 4 (commencing with Section 124575) of Part 4 of Division 106, Section 101300, and Article 1 (commencing with Section 124600) of Chapter 5 of Part 4 of Division 106.

CHAPTER 4. OFFICE OF AIDS

131325. The Legislature finds and declares all of the following:

(a) The AIDS pandemic continues to devastate California. Over 44,000 Californians have died of AIDS since 1981, and it is estimated that one out of every 200 Californians is infected with HIV, the virus believed to cause AIDS. Education remains the best tool to prevent the ongoing spread of HIV.

(b) The seroprevalence rate of HIV-infected persons is increasing dramatically in some groups. The incidence rate among women, people of color, at-risk youth, substance abusers, rural residents and their sexual partners is increasing, as is the rate of infection among gay and bisexual men, especially in urban areas. It is clear that targeted financial resources must be directed to conduct effective HIV education and risk reduction.

(c) Many AIDS service providers, community-based organizations, and other advocacy groups lack the technical assistance necessary for them to access public and private grant moneys to serve their clients.

(d) In addition to prevention education efforts, there are additional unmet financial needs in the war against HIV infection and AIDS. These unmet needs include, but are not limited to, care and treatment of those with HIV, expanded medical and social behavioral research, funding for HIV antibody testing at both anonymous and confidential test sites throughout California, housing and financial assistance for those with HIV and their families, and mental health programs for people with HIV and those at risk for contracting AIDS.

(e) Numerous state agencies and departments conduct HIV-related programs, including the State Department of Health

1 Services, the State Department of Social Services, the
2 Department of Corrections, the State Department of Alcohol and
3 Drug Programs, the State Department of Education, the State
4 Department of Mental Health, the Department of the Youth
5 Authority, and the University of California. Coordination of the
6 various state funded programs will enhance the service delivery
7 of HIV-related programs to Californians in need.

8 (f) An evaluation of state prevention and education efforts was
9 conducted by the Institute for Health Policy Studies at the
10 University of California, San Francisco and published in March
11 of 1993. This report, entitled "HIV Prevention in California,"
12 noted both positive achievements of state-run programs as well
13 as opportunities for improvement. Among the primary
14 recommendations of the study was the need to legislatively
15 identify the Office of AIDS in the state department responsible
16 for public health issues as the lead agency on HIV and AIDS to
17 ensure the goal of state program coordination.

18 131330. There is in the State Department of Public Health an
19 Office of AIDS. The State Department of Public Health, Office
20 of AIDS, shall be the lead agency within the state, responsible for
21 coordinating state programs, services, and activities relating to
22 the human immunodeficiency virus (HIV), acquired immune
23 deficiency syndrome (AIDS), and AIDS-related conditions
24 (ARC). Among its responsibilities, the State Department of
25 Public Health, Office of AIDS, shall coordinate Sections 120875,
26 Section 120880, Chapter 2 (commencing with Section 120800),
27 Chapter 4 (commencing with Section 120900), Chapter 6
28 (commencing with Section 120950), Chapter 8 (commencing
29 with Section 121025), Chapter 9 (commencing with Section
30 121050), Chapter 10 (commencing with Section 121075),
31 Chapter 11 (commencing with Section 121150), Chapter 12
32 (commencing with Section 121200), Chapter 13 (commencing
33 with Section 121250), and Chapter 14 (commencing with Section
34 121300), of Part 4 of Division 105. Any reference in those
35 provisions to the State Department of Public Health shall be
36 deemed a reference to the Office of AIDS.

CHAPTER 5. PUBLIC NUISANCE

131350. (a) The department may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

- (1) To enforce its regulations.
- (2) To enjoin and abate nuisances dangerous to health.
- (3) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to the public health.
- (4) To protect and preserve the public health.

(b) The department may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the department.

131355. The department may abate public nuisances.

131360. The department may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

131365. Every person charged with the performance of any duty under the laws of this state relating to the preservation of the public health, who willfully neglects or refuses to perform the same, is guilty of a misdemeanor.

131370. (a) The department may perform any of the following activities relating to the protection, preservation, and advancement of public health:

- (1) Studies.
- (2) Demonstrations of innovative methods.
- (3) Evaluations of existing projects.
- (4) Provision of training programs.
- (5) Dissemination of information.

(b) In performing an activity specified in subdivision (a), the department may do any of the following:

- (1) Perform the activity directly.
- (2) Enter into contracts, cooperative agreements, or other agreements for the performance of the activity.
- (3) Apply for and receive grants for the performance of the activity.
- (4) Award grants for the performance of the activity.

131375. The department may provide for consultant and advisory services and for the training of technical and

1 professional personnel in educational institutions and field
2 training centers approved by the department, and for the
3 establishment and maintenance of field training centers in local
4 health departments and in the department.

5
6 CHAPTER 6. FOOD AND WATER SAFETY
7

8 131400. The department shall cause special investigation of
9 the preparation and sale of drugs and food and their adulteration.

10 131405. The department shall perform duties as required by
11 law for the detection and prevention of the adulteration of articles
12 used for food and drink, and for the punishment of persons guilty
13 of violation of any law providing against their adulteration.

14 131410. The department shall examine and may prevent the
15 pollution of sources of public domestic water and ice supply.

16 131415. The department shall maintain a program of Drinking
17 Water and Environmental Management.

18
19 CHAPTER 7. FOOD AND DRUG ENFORCEMENT
20

21 131500. The department shall enforce Section 383b of the
22 Penal Code.

23 131505. (a) Any person who willfully sells, keeps for sale, or
24 offers for sale any food, drug, device, or cosmetic knowing, after
25 a written notice from either (1) a manufacturer, wholesaler,
26 distributor, or importer, or (2) the department or a local health
27 officer that the product linked to an outbreak of illness, injury, or
28 product tampering is being ordered removed from sale by the
29 department pursuant to Section 100180, shall, upon conviction,
30 be punished by a fine of not less than two thousand dollars
31 (\$2,000) nor more than ten thousand dollars (\$10,000) for each
32 day of violation, or by imprisonment in the county jail for not
33 more than one year, or by both a fine and imprisonment.

34 (b) If a second or subsequent violation is committed after a
35 previous conviction under this section has become final, the
36 person shall be punished by a fine of not less than five thousand
37 dollars (\$5,000) nor more than twenty-five thousand dollars
38 (\$25,000) for each day of violation, or by imprisonment in the
39 state prison, or by both a fine and imprisonment.

(c) Notwithstanding any other provision of law, the court may suspend the minimum fines provided for in this section if it determines that there are circumstances in mitigation and the court states on the record its reasons for suspending the minimum fine.

131510. (a) Whenever any person violates any provision of Section 131505, the court may, as a condition of probation, order the defendant to pay, in lieu of any fine, any expenses, both direct and indirect, incurred by a local health department or the department in monitoring compliance with the order pursuant to Section 131360, including, but not limited to, the costs of conducting inspections and imposing embargoes. The total costs payable to the department and local health departments collectively imposed pursuant to this section shall not exceed the maximum fine for the offense of which the defendant is convicted.

(b) Any amount collected under this section shall be paid to the local health department incurring the expenses or, if to reimburse costs of the department, into the General Fund.

CHAPTER 8. LOCAL HEALTH DEPARTMENT FUNDING

131560. (a) Within 60 days of enactment of the Budget Act, the department shall advance to a local health department 25 percent of the annual General Fund allocation, subvention, or reimbursement required by a local health department for the delivery of services specified in subdivision (b). In determining the dollar amount of the 25 percent allocation, subvention, or reimbursement, the department shall use the local health department's prior year's or the most recently completed fiscal year's allocation.

(b) Subdivision (a) shall apply to the following health programs and General Fund funding sources:

(1) Funding for administration for the California Children's Services Program (Article 5 (commencing with Section 123800) of Chapter 3 of Part 2 of Division 106).

(2) Funding for medical therapy for the California Children's Services Program (Article 5 (commencing with Section 123800) of Chapter 3 of Part 2 of Division 106).

1 (3) Funding for administration for the Child Health and
2 Disability Prevention Program (Article 6 (commencing with
3 Section 124025) of Chapter 3 of Part 2 of Division 106).

4 (4) Funding for HIV education and prevention services under
5 Section 131330.

6 (c) This section shall not apply to a local health department
7 that is three or more quarters in arrears in billing the state for the
8 programs specified in subdivision (b).

9 (d) For purposes of this section, “local health department” has
10 the same meaning as that set forth in Section 101185.

11
12 CHAPTER

13 9. CALIFORNIA CONFERENCE OF LOCAL HEALTH OFFICERS
14

15 131570. (a) There is hereby established a California
16 Conference of Local Health Officers. The department shall
17 consult with the conference in establishing standards as provided
18 in this part and may consult on other matters affecting health.
19 The conference may consult with, advise, and make
20 recommendations to the department, other departments, boards,
21 commissions, and officials of federal, state, and local
22 government, the Legislature, and any other organization or
23 association on matters affecting health. The conference shall
24 consist of all legally appointed local health officers in the state. It
25 shall organize, adopt bylaws, and shall annually elect officers.

26 (b) Actual and necessary expenses, including any necessary
27 registration fee, incident to attendance at not more than two
28 meetings per year of the conference shall be a legal charge
29 against the local governmental unit. Actual and necessary
30 expenses incident to attendance at special meetings of the
31 committees of the conference called by the director shall be a
32 legal charge against any funds available for administration of this
33 part, Section 131585, Chapter 3 (commencing with Section
34 101175) of Part 3, and Part 3 (commencing with Section 124300)
35 of Division 106.

36 131575. The department shall administer this chapter, Section
37 131585, Chapter 3 (commencing with Section 101175) of Part 3
38 of Division 101, and Part 3 (commencing with Section 124300)
39 of Division 106 and shall adopt necessary regulations. These
40 regulations shall be adopted only after consultation with and

1 approval by the California Conference of Local Health Officers.
2 Approval of these regulations shall be by majority vote of those
3 present at an official session.

4 131580. Notwithstanding any other provision of law, the
5 department shall submit all of its regulations on matters related to
6 statutory responsibilities delegated to or enforced by local health
7 departments, except emergency regulations, to the California
8 Conference of Local Health Officers for review and comment
9 prior to adoption. If the department deems it appropriate to
10 implement the proposed regulations or parts thereof, contrary to
11 the recommendations of the conference, the department shall
12 make a public finding summarizing the reasons for acting
13 contrary to these recommendations.

14 131585. The department, after consultation with and approval
15 by the Conference of Local Health Officers, shall by regulation
16 establish standards of education and experience for professional
17 and technical personnel employed in local health departments
18 and for the organization and operation of the local health
19 departments. These standards may include standards for the
20 maintenance of records of services, finances and expenditures,
21 that shall be reported to the director in a manner and at times as
22 the director may specify.

23 131590. Nothing in this chapter, Section 131585, Chapter 3
24 (commencing with Section 101175) of Part 3 of Division 101,
25 and Part 3 (commencing with Section 124300) of Division 106 or
26 in any regulation prescribed by the department in accordance
27 herewith shall compel any practitioner who treats the sick by
28 prayer in the practice of the religion of any well-recognized
29 church, sect, denomination, or organization or any persons
30 covered by Sections 2731 and 2800 of the Business and
31 Professions Code to give any information about a disease or
32 disability that is not infectious, contagious, or communicable or
33 authorize any compulsory education, medical examination, or
34 medical treatment.

35
36 CHAPTER 10. PUBLIC HEALTH BOARD
37

38 131600. (a) There is in state government the Public Health
39 Board that shall provide public and expert involvement in the
40 development of policies, regulations, and programs administered

1 by the department or directly affecting the health of Californians.

2 The board shall consist of 13 voting members, as follows:

3 (1) A dean of a California school of public health, appointed
4 by the Governor.

5 (2) A dean of a California school of nursing, appointed by the
6 Governor.

7 (3) A dean of a California school of medicine, appointed by
8 the Governor.

9 (4) A public laboratory director, appointed by the Governor.

10 (5) Two public members of national stature with broad
11 experience and professional expertise in public health, one each
12 appointed by the Speaker of the Assembly and the Senate
13 Committee on Rules.

14 (6) Two members from community-based organizations with
15 an interest and mission of promoting public health, one each
16 appointed by the Speaker of the Assembly and the Senate
17 Committee on Rules.

18 (7) The State Health Officer.

19 (8) The physician leader of the state's medical emergency
20 response system.

21 (9) The President of the California Conference of Local Health
22 Officers.

23 (10) The health officer of a large metropolis, appointed by the
24 President of the California Conference of Local Health Officers.

25 (11) A rural health officer, appointed by the President of the
26 California Conference of Local Health Officers.

27 (b) The State Health Officer shall be the chairperson of the
28 board.

29 131605. A board member's term of office shall be four years.
30 Any vacancies that occur during an unexpired term shall be filled
31 for the unexpired term by a member appointed by the same
32 appointing power that made the initial appointment.

33 131610. The board shall meet at least four times a year or
34 more frequently upon call of the chairperson. A majority of the
35 members present shall constitute a quorum.

36 131615. Members shall serve on a voluntary basis and shall
37 not receive any compensation for the performance of their duties.

38 131620. The board shall be provided independent professional
39 staff through the reassignment of existing resources.

1 131625. Members shall have a fiduciary duty to represent the
2 public interest and protect the public's health. The board shall do
3 all of the following:

4 (a) Through public meetings, provide oversight of public
5 health programs and regulations to improve effectiveness,
6 examine ways to better use existing resources, analyze
7 cost-effective alternatives for improving the health and safety of
8 Californians, and comment on regulations that will affect the
9 public health.

10 (b) Encourage the participation of related government
11 agencies, such as the health professions boards and the National
12 Guard, as well as foundations and professional associations,
13 including the County Health Executives Association, the Public
14 Hospital Association, the California Medical Association, the
15 California Health Care Association, the Western Occupational
16 and Environmental Medical Association, the California
17 Conference of Local Health Department Nursing Directors, and
18 the public health associations.

19 (c) Systematically assess the opportunities to consolidate or
20 coordinate the work of other state health-related advisory boards,
21 such as the Health Policy and Data Advisory Committee of the
22 Office of Statewide Health Planning and Development.

23 (d) Encourage the development of effective partnerships to tap
24 the expertise of California's universities, academic medical
25 centers, community clinics, foundations, private medicine, and
26 the National Guard.

27 (e) Explore strategic relationships with biotechnology and
28 other high technology sectors.

29 (f) Report at least annually to the Governor and Legislature on
30 the priorities for government actions to improve the public health
31 and on ways resources could be used more effectively.

32 SEC. 49. Section 24000.5 is added to the Welfare and
33 Institutions Code, to read:

34 24000.5. Notwithstanding subdivision (b) of Section 24001,
35 for purposes of this division, "department" means the State
36 Department of Public Health.

37 SEC. 50. The State Department of Health Services, or the
38 State Department of Public Health if it has been established
39 pursuant to this act, shall convene a workgroup of experts who
40 shall develop specific recommendations on the creation of the

1 State Department of Public Health and how that department fits
2 into a long-term strategy to improve the future of public health
3 leadership in California. The workgroup shall provide its
4 recommendations and strategy to the Governor and Legislature
5 six months after the convening of the workgroup. This section
6 shall only be implemented upon the receipt by the State
7 Department of Health Services of sufficient nonstate resources to
8 cover all costs, including the costs of staff resources and of
9 implementing this section. The establishment of the State
10 Department of Public Health is not contingent upon the
11 formation or recommendations of this workgroup.

12 SEC. 51. Sections 2 to 49, inclusive, of this act shall become
13 operative on January 1, 2007, and only if an appropriation for the
14 purposes of this act is made in the Budget Act of 2006.